~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Deuteronomy 16:20: “Justice, and only justice, you shall pursue, so that you may live.”

Let us pray. God of justice and mercy, may the lives of these people bear witness to what they say they believe. Give them the strength of soul to pursue the right way of doing the work of the people. Bless them in their endeavors. Provide for them the goodness that comes from You. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who provide resources for our leaders. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. FORRESTER moved that when the House adjourns, it adjourn in memory of Michael Samuel "Sam" Evatt of Spartanburg, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 5286 -- Reps. G. A. Brown, Weeks, G. M. Smith and Neal: A HOUSE RESOLUTION TO CONGRATULATE SUMTER'S JOSEPH CAPUTO, HUMAN SERVICES COORDINATOR FOR THE SANTEE-WATEREE COMMUNITY MENTAL HEALTH CENTER, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

S. 1173 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 25 SO AS TO CREATE THE SOUTH CAROLINA PRISONER OF WAR MEDAL, TO PROVIDE THAT THE GOVERNOR MAY PRESENT THE MEDAL ON BEHALF OF THE PEOPLE OF THE STATE OF SOUTH CAROLINA, TO SET FORTH ELIGIBILITY, AND TO ALLOW THE MEDAL TO BE AWARDED TO A DECEASED OR ABSENT PERSON.

Referred to Committee on Medical, Military, Public and Municipal Affairs

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | McEachern |
| M. S. McLeod | Merrill | Mitchell |
| D. C. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Ridgeway | Riley | Rivers |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | Whitmire |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, May 22.

|  |  |
| --- | --- |
| Jimmy Bales | Bruce W. Bannister |
| William Bowers | Bill Chumley |
| Alan D. Clemmons | Kirkman Finlay |
| Laurie Funderburk | Jerry Govan |
| Chris Hart | Chip Huggins |
| Ralph Kennedy | James Lucas |
| Peter McCoy, Jr. | Walton J. McLeod |
| V. Stephen Moss | Joseph Neal |
| Mandy Powers Norrell | Richard "Rick" Quinn |
| Leola Robinson-Simpson | Todd Rutherford |
| Mike Ryhal | Ronnie A. Sabb |
| Ted Vick | Jackson "Seth" Whipper |
| Brian White |  |

**Total Present--114**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIAMS a leave of absence for the day due to military duty.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. DANING a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MACK a leave of absence for the day to attend a funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. K. R. CRAWFORD a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SIMRILL a leave of absence for the day due to a family commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIXON a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PUTNAM a leave of absence for the day due to family medical reasons.

**SPECIAL PRESENTATION**

Reps. HORNE, MURPHY, HARRELL, JEFFERSON, KNIGHT, MACK and WHIPPER presented to the House the Pinewood Preparatory School Girls Soccer Team, the 2014 SCISA State Champions, their coaches, and other school officials.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Radwan Hallaba of Charleston was the Doctor of the Day for the General Assembly.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of

each be changed to that of an Act, and that they be enrolled for ratification:

S. 1007 -- Senators Campbell and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-3-625 SO AS TO PROVIDE A PROCESS FOR EXPEDITING MORTGAGE FORECLOSURES AND TO DEFINE NECESSARY TERMINOLOGY.

S. 826 -- Senator Rankin: A BILL TO AMEND SECTION 38-73-500(C) OF THE 1976 CODE, RELATING TO RANDOM DRUG AND ALCOHOL TESTING PROCEDURES CONCERNING MERIT RATING FOR WORKER'S COMPENSATION INSURANCE; TO PROVIDE THAT A SINGLE SAMPLE MAY BE USED FOR THE FIRST AND SECOND TESTS IF A SECOND TEST IS ADMINISTERED.

S. 998 -- Senators Shealy, Malloy, Turner, Massey and Corbin: A BILL TO AMEND SECTION 56-16-140 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF MOTORCYCLE DEALER AND WHOLESALER LICENSES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE FOR THE ISSUANCE OF A DEALER'S EXHIBITION LICENSE THAT ALLOWS A HOLDER TO EXHIBIT MOTORCYCLES AND THEIR RELATED PRODUCTS AT FAIRS, RECREATIONAL OR SPORTS SHOWS, VACATION SHOWS, AND OTHER SIMILAR EVENTS OR SHOWS.

S. 1065 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 43, TITLE 38 SO AS TO PROVIDE FOR THE LIMITED LICENSING OF SELF-STORAGE FACILITIES TO SELL OR OFFER INSURANCE.

**S. 1189--RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up:

S. 1189 -- Senators Gregory, Reese, McElveen, Hembree, Hutto, Lourie, Campsen, Cleary, Allen, Shealy, O'Dell, Campbell, Cromer, Hayes, Verdin, Sheheen, L. Martin, Kimpson, Scott and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ADD CHAPTER 39 TO TITLE 58, SO AS TO PROVIDE FOR A SOUTH CAROLINA DISTRIBUTED ENERGY RESOURCE PROGRAM, TO DEFINE CERTAIN TERMS, TO SET GOALS FOR THE PROGRAM, AND TO PROVIDE FOR THE PROCESS AND IMPLEMENTATION OF THE PROGRAM, INCLUDING THE APPLICATION AND APPROVAL PROCESS FOR THE PROGRAM AND COST RECOVERY; TO ADD CHAPTER 40 TO TITLE 58 SO AS TO PROVIDE FOR A NET ENERGY METERING PROGRAM, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR THE REQUIREMENTS FOR THE NET ENERGY METERING PROGRAM, INCLUDING COSTS AND THE RESPONSIBILITIES OF THE PUBLIC SERVICE COMMISSION AND THE OFFICE OF REGULATORY STAFF PURSUANT TO THIS PROGRAM; TO ADD ARTICLE 23 TO CHAPTER 27, TITLE 58, SO AS TO PROVIDE FOR THE LEASE OF RENEWABLE ELECTRIC GENERATION FACILITIES PROGRAM, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR THE REQUIREMENTS OF THE LEASE PROGRAM, INCLUDING AN APPLICATION PROCESS AND REGISTRATION WITH THE OFFICE OF REGULATORY STAFF AND PENALTIES FOR VIOLATIONS OF THE LEASE PROGRAM; TO REQUIRE THE OFFICE OF REGULATORY STAFF TO REPORT TO THE PUBLIC SERVICE COMMISSION ON COSTS AND CHARGES ATTRIBUTABLE TO DISTRIBUTED ENERGY RESOURCES WITHIN CURRENT COSTS OF SERVICE RATE MAKING METHODOLOGIES; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO PROMULGATE STANDARDS FOR RENEWABLE ENERGY FACILITY INTERCONNECTION; TO REQUIRE EACH DISTRIBUTION ELECTRIC COOPERATIVE BOARD TO CONSIDER NET ENERGY METERING POLICIES AND MAKE A REPORT TO THE OFFICE OF REGULATORY STAFF; TO REQUIRE EACH ELECTRIC COOPERATIVE TO INVESTIGATE THE RELATIONSHIP BETWEEN COSTS AND CHARGES ATTRIBUTABLE TO DISTRIBUTED ENERGY RESOURCES WITHIN CURRENT COST OF SERVICE RATEMAKING METHODOLOGIES AND REPORT ITS FINDINGS WITH THE OFFICE OF REGULATORY STAFF.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 86; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Bales | Barfield | Bedingfield |
| Bingham | Bowen | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Forrester | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | McEachern |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | R. L. Ott |
| Parks | Patrick | Pitts |
| Pope | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | Whipper | Whitmire |
| Willis | Wood |  |

**Total--86**

Those who voted in the negative are:

**Total--0**

The Bill, as amended, was read the third time, and ordered sent to the Senate.

**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bills were taken up, read the third time, and ordered returned to the Senate with amendments:

S. 909 -- Senator Hayes: A BILL TO AMEND SECTION 38-90-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO DEFINE "RISK RETENTION GROUP"; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; TO AMEND SECTION 38-90-50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; AND TO AMEND SECTION 38-90-70, AS AMENDED, SECTION 38-90-100, AS AMENDED, SECTION 38-90-110, AS AMENDED, AND SECTION 38-90-160, AS AMENDED, ALL RELATING TO MISCELLANEOUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE CONFORMING PROVISIONS FOR CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS.

S. 569 -- Senators Davis, Turner, Campsen, Young, O'Dell, Cromer, Cleary, Hembree, Pinckney and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "COMPETITIVE INSURANCE ACT" BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF THE CHIEF INSURANCE COMMISSIONER, TO PROVIDE THAT THE DIRECTOR MUST ENGAGE IN EFFORTS TO PROVIDE MARKET ASSISTANCE AND PROMOTE CONSUMER EDUCATION TO COASTAL RESIDENTIAL PROPERTY INSURANCE CONSUMERS, AND THE DIRECTOR MUST SUBMIT A REPORT TO THE PRESIDENT *PRO TEMPORE* OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRMAN OF THE SENATE BANKING AND INSURANCE COMMITTEE, AND THE CHAIRMAN OF THE HOUSE LABOR, COMMERCE AND INDUSTRY COMMITTEE BY NO LATER THAN JANUARY THIRTY-FIRST OF EACH YEAR REGARDING THE STATUS OF THE COASTAL PROPERTY INSURANCE MARKET; TO AMEND SECTION 38-7-200, RELATING TO CREDITS AGAINST PREMIUM TAX, TO DEFINE ESSENTIAL TERMS, AND TO PROVIDE THAT INSURERS MAY BE ELIGIBLE TO RECEIVE A PREMIUM TAX CREDIT AGAINST THE PREMIUM TAX IMPOSED BY SECTION 38-7-20 ON FULL COVERAGE POLICIES WRITTEN OUTSIDE OF THE COASTAL AREA TO REDUCE THE INSURANCE PREMIUM TAX LEVIED TO ONE PERCENT OF THE TOTAL PREMIUMS WRITTEN ON FULL COVERAGE POLICIES OUTSIDE OF THE COASTAL AREA, AND THE DIRECTOR OR HIS DESIGNEE SHALL DEVELOP PROCEDURES TO BE USED IN IMPLEMENTING THIS TAX CREDIT; TO AMEND SECTION 38-75-485, RELATING TO THE IMPLEMENTATION OF THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM BY THE DEPARTMENT, TO PROVIDE THAT ONE PERCENT OF THE PREMIUM TAXES DUE TO THIS STATE BY BROKERS PLACING PROPERTY INSURANCE WITHIN THE ELIGIBLE SURPLUS LINES MARKET AND TWO PERCENT OF THE PREMIUM TAXES COLLECTED ANNUALLY AND REMITTED TO THE DEPARTMENT BY INSURERS LICENSED TO DO BUSINESS IN THIS STATE; AND TO AMEND SECTION 38-75-755, RELATING TO NOTIFICATION OF APPLICANTS OR RENEWING POLICYHOLDERS OF AVAILABLE CREDITS, DISCOUNTS, AND DEDUCTIONS, TO PROVIDE THAT ALL INSURERS, AT THE ISSUANCE OF A NEW POLICY AND AT EACH RENEWAL SHALL NOTIFY THE APPLICANT OR POLICYHOLDER OF A PERSONAL LINES RESIDENTIAL PROPERTY INSURANCE POLICY OF CERTAIN DISCLOSURES, AND THE DIRECTOR OR HIS DESIGNEE SHALL PRESCRIBE THE FORM AND MANNER FOR INSURER NOTICES OR DISCLOSURES, AND ANY DISCLOSURE SHALL BE FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT AMEND, EXTEND, OR ALTER COVERAGE PROVIDED IN A POLICY.

S. 1026 -- Senator Alexander: A BILL TO AMEND SECTION 29-5-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SUITS ON CONTRACTOR PAYMENT BONDS, SO AS TO PROVIDE THAT CERTAIN WRITTEN NOTICE REQUIRED OF A REMOTE CLAIMANT MUST BE SENT BY CERTIFIED OR REGISTERED MAIL, AND MUST GENERALLY CONFORM WITH STATUTORY LIMITS ON THE AGGREGATE AMOUNT OF LIENS FILED BY A SUB-SUBCONTRACTOR OR SUPPLIER; TO PROVIDE ANY PAYMENT BOND SURETY FOR THE BONDED CONTRACTOR SHALL HAVE THE SAME RIGHTS AND DEFENSES OF THE BONDED CONTRACTOR; TO MAKE THE LANGUAGE APPLICABLE TO ANY PAYMENT BOND WHETHER PRIVATE, COMMON LAW, PUBLIC, OR STATUTORY IN NATURE, WHEN THE BONDS ARE NOT OTHERWISE REQUIRED OR GOVERNED BY STATUTE; AND TO PROVIDE NECESSARY DEFINITIONS.

S. 1099 -- Senators Sheheen and Bryant: A BILL TO AMEND SECTION 41-27-260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT BENEFIT PURPOSES, TO PROVIDE AN EXEMPTION FOR MOTOR CARRIERS THAT UTILIZE INDEPENDENT CONTRACTORS.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**S. 1100--ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

S. 1100 -- Senators Bryant, Sheheen, Young and Setzler: A BILL TO AMEND ARTICLE 3, CHAPTER 27, TITLE 41 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING UNEMPLOYMENT BENEFITS AND CLAIMS, BY ADDING SECTION 41-27-265, TO PROVIDE THAT CORPORATE OFFICERS ARE EXEMPT FROM UNEMPLOYMENT BENEFITS UNLESS THE EMPLOYER ELECTS COVERAGE, AND TO PROVIDE FOR THE PROCESS OF ELECTING COVERAGE, AND TO PROVIDE FOR FEDERALLY REQUIRED EXEMPTIONS FROM THE PROVISIONS OF THIS SECTION FOR INDIVIDUALS EMPLOYED BY AN INDIAN TRIBE AND RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER FEDERALLY DEFINED ORGANIZATIONS.

Rep. SANDIFER spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardwick | Hayes | Henderson |
| Hiott | Hodges | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| McEachern | M. S. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Norman |
| R. L. Ott | Owens | Parks |
| Patrick | Pope | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Wood |  |  |

**Total--91**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 1100--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that S. 1100 be read the third time tomorrow.

**S. 813--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 813 -- Senators Hayes, Peeler, O'Dell, Alexander, McElveen, McGill, Pinckney, Johnson, Williams and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY AN EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE LIBRARY NOT TO DO SO OR WITHOUT HAVING BEEN WARNED FAILS AND REFUSES, WITHOUT GOOD CAUSE OR GOOD EXCUSE, TO LEAVE IMMEDIATELY UPON BEING ORDERED OR REQUESTED TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

Rep. WEEKS proposed the following Amendment No. 2 to S. 813 (COUNCIL\NL\813C001.NL.SD14), which was adopted:

Amend the bill, as and if amended, Section 16-11-625 OF THE 1976 Code, as contained in SECTION 1, by deleting subsection (B) in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 13

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Bernstein | Bingham |
| Bowen | Brannon | G. A. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crosby |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | McCoy |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Ridgeway | Riley | Rutherford |
| Ryhal | Sabb | Sandifer |
| Skelton | G. M. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Burns | Chumley |
| Henderson | Hiott | Loftis |
| Nanney | Norman | Rivers |
| G. R. Smith | J. R. Smith | Southard |
| Stringer |  |  |

**Total--13**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 813--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. WEEKS, with unanimous consent, it was ordered that S. 813 be read the third time tomorrow.

**S. 495--DEBATE ADJOURNED**

The following Bill was taken up:

S. 495 -- Senators Lourie and Rankin: A BILL TO AMEND SECTION 23-3-115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

Rep. BANNISTER moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 176--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 176 -- Senator Young: A BILL TO AMEND SECTION 22-3-1000 OF THE 1976 CODE, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

Rep. BANNISTER proposed the following Amendment No. 2 to S. 176 (COUNCIL\NL\176C001.NL.SD14), which was adopted:

Amend the bill, as and if amended, Section 22-3-1000, as contained in SECTION 1, is amended by deleting the SECTION in its entirety and inserting:

/ “Section 22-3-1000. ~~No~~ A motion for a new trial may not be heard unless made within ~~five~~ thirty days from the rendering of the judgment. The right of appeal from the judgment exists for thirty days after the rendering of the judgment. A magistrate's order of restitution may be appealed within thirty days. The order of restitution may be appealed separately from an appeal~~, if any,~~ relating to the conviction.

(B) The provisions of subsection (A) do not apply to Chapters 37 and 40 of Title 27 except where no time limit is provided. Where no time limit is provided, a new trial must be requested within five days from the rendering of the judgment.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 176--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BANNISTER, with unanimous consent, it was ordered that S. 176 be read the third time tomorrow.

**S. 1233--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 1233 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO ANNUITY MORTALITY TABLES FOR USE IN DETERMINING RESERVE LIABILITIES FOR ANNUITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4453, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. GAMBRELL explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Henderson | Hiott |
| Hodges | Horne | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sandifer | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Willis | Wood |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution, as amended, was read the second time and ordered to third reading.

**S. 1233--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. GAMBRELL, with unanimous consent, it was ordered that S. 1233 be read the third time tomorrow.

**S. 160--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 160 -- Senators Malloy, Cleary, Jackson, Shealy, Verdin, Fair, Alexander, L. Martin, Nicholson, Johnson, Lourie, Cromer, Reese, Thurmond, Massey, Rankin, Turner, Corbin, Setzler, Hayes and Hembree: A BILL TO AMEND CHAPTER 32, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, BY ADDING SECTION 59-32-35 TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO ALL STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL.

The Committee on Education and Public Works proposed the following Amendment No. 1 to S. 160 (COUNCIL\AGM\160C001. AGM.AB14):

Amend the bill, as and if amended, Section 59‑32‑30(A)(7), as contained in SECTION 1, by deleting the item in its entirety and inserting:

/ (7) Beginning with the 2015‑2016 school year, at least one time during the four years of grades nine through twelve each student must receive instruction in cardiopulmonary resuscitation (CPR), which must include, but not be limited to, hands‑only CPR and the use of an automated external defibrillator (AED). Each school district shall use a program that incorporates the instruction of the psychomotor skills necessary to perform CPR developed by the American Heart Association, American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence‑based Emergency Cardiovascular Care guidelines for CPR and the use of an AED. It is the desire of the General Assembly that local school districts coordinate with entities that have the experience and necessary equipment for the instruction of CPR and the use of AEDs so the districts will not have to purchase CPR or AED training devices. Local school districts that are unable to coordinate with other entities to use training devices may request a waiver from the State Board of Education to be exempt from having to instruct with hands‑only CPR mannequins and AEDs for ninety days from receipt of notification of the waiver. A school district must adopt a policy providing a waiver for this requirement for a student absent on the day the instruction occurred, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands‑only CPR requirement, or a student whose parent or guardian completes, in writing, a form approved by the school district opting‑out of hands‑only CPR and AED instruction. The State Board of Education shall incorporate CPR and AED instruction into the South Carolina Health and Safety Education Curriculum Standards and promulgate regulations to implement this section. /

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK explained the amendment.

Reps. WHITE, LONG, ERICKSON, HIOTT, HARDWICK, SOTTILE, LOFTIS, THAYER, TAYLOR, WELLS, HART, JEFFERSON, NEAL, BOWEN, CROSBY, J. R. SMITH, G. R. SMITH and TOOLE requested debate on the Bill.

**S. 516--DEBATE ADJOURNED**

The following Bill was taken up:

S. 516 -- Senators Peeler, Fair, Hayes, Courson, Young, Setzler, Malloy, Leatherman, Lourie, L. Martin, Johnson, Jackson, Allen, Rankin, Scott and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT"; BY ADDING CHAPTER 155 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND A READING PROFICIENCY PANEL WITHIN THE OFFICE, AND TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT OF EDUCATION, STATE SUPERINTENDENT OF EDUCATION, SCHOOL DISTRICTS, COLLEGES, AND UNIVERSITIES THAT OFFER CERTAIN RELATED GRADUATE EDUCATION, AND EDUCATORS AND ADMINISTRATORS, AMONG OTHER THINGS.

Rep. PATRICK moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 503--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 503 -- Senators Thurmond, Hembree, Campsen, Cleary, Rankin and Ford: A BILL TO AMEND CHAPTER 1, TITLE 6 OF THE 1976 CODE, BY ADDING ARTICLE 6 TO ENACT THE "BEACH PRESERVATION ACT", TO ALLOW A QUALIFIED COASTAL MUNICIPALITY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT ON THE GROSS PROCEEDS DERIVED FROM THE RENTAL OR CHARGES FOR ACCOMMODATIONS FURNISHED TO TRANSIENTS SUBJECT TO THE MUNICIPALITY'S LOCAL ACCOMMODATIONS TAX, TO PROVIDE THAT THE MUNICIPALITY MAY IMPOSE THE FEE ONLY AFTER ITS APPROVAL IN A REFERENDUM HELD IN THE MUNICIPALITY, TO PROVIDE THAT THE FEE IS IN ADDITION TO ALL OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED AND MUST NOT BE DEEMED CUMULATIVE TO OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED BY THE MUNICIPALITY, TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, TO PROVIDE FOR REPORTING AND FOR REMITTANCE OF THESE FEES, AND TO PROVIDE DEFINITIONS.

Rep. LOFTIS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 85; Nays 14

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Bannister |
| Bernstein | Bingham | Bowen |
| Brannon | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Goldfinch | Hardee |
| Hardwick | Harrell | Hart |
| Henderson | Horne | Hosey |
| Howard | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | V. S. Moss |
| Munnerlyn | Murphy | Neal |
| Newton | Norman | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Ridgeway |
| Riley | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Wood |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Chumley |
| Delleney | Hamilton | Hiott |
| Huggins | Lowe | D. C. Moss |
| Nanney | Rivers | Stringer |
| Toole | Willis |  |

**Total--14**

So, the Bill was read the second time and ordered to third reading.

**S. 503--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. LOFTIS, with unanimous consent, it was ordered that S. 503 be read the third time tomorrow.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**S. 1219--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 1219 -- Education Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-57 SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, SCHOOL DISTRICTS UNIFORMLY MAY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2014-2015 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM, AND TO EXTEND THIS NEGOTIATION OPTION TO SCHOOL DISTRICTS THROUGH JULY 1, 2020.

**S. 828--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 828 -- Senators Fair and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-41-75 SO AS TO EXEMPT CERTAIN BOND REIMBURSEMENT REQUIREMENTS IF A CONVENTION AND TRADE SHOW CENTER IS SOLD AND IS TO BE REPLACED WITH A NEW CONVENTION AND TRADE SHOW CENTER, AND TO SET FORTH EXEMPTION REQUIREMENTS; AND TO AMEND SECTION 11-41-70, AS AMENDED, RELATING TO REQUIREMENTS FOR ECONOMIC DEVELOPMENT BONDS, SO AS TO MAKE A CONFORMING CHANGE.

**S. 560--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 560 -- Senator L. Martin: A BILL TO AMEND SECTION 58-15-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WILFULL AND MALICIOUS INJURY TO A RAILROAD OR ELECTRIC RAILWAY, SO AS TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS; AND TO AMEND ARTICLE 9, CHAPTER 15, TITLE 58, RELATING TO RAILROADS, ELECTRIC RAILROADS, AND THE LIKE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PURCHASE, SELL, OR TRANSPORT RAILROAD TRACK MATERIALS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS.

**S. 999--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. R. L. BROWN, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

S. 999 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-218 SO AS TO PROVIDE THAT A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHOSE DRIVER'S LICENSE EXPIRES WHILE THE MEMBER IS SERVING OUTSIDE OF THIS STATE MAY APPLY FOR AN EXTENSION THAT LASTS UNTIL NINETY DAYS AFTER THE MEMBER RETURNS TO THE STATE OR THE TIME THE MEMBER IS DISCHARGED FROM THE ARMED FORCES, WHICHEVER OCCURS FIRST, TO PROVIDE THE APPLICATION PROCESS, AND TO SPECIFY TO WHOM EXTENSION ELIGIBILITY APPLIES.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3344 from the Committee on Judiciary.

Rep. DELLENEY objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3498 from the Committee on Ways and Means.

Rep. BEDINGFIELD objected.

**SPEAKER IN CHAIR**

**S. 1035--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

S. 1035 -- Senators Davis, Rankin, Shealy, Cleary, L. Martin, Grooms, Bright, Pinckney, Coleman, Bryant, Verdin and Campbell: A BILL TO AMEND ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT OF 1980, TO ENACT THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT; TO ESTABLISH THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH PROGRAM AT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE FOR PATIENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM; TO PROVIDE WHO AND UNDER WHAT CIRCUMSTANCES MEDICAL CANNABIS CAN BE ADMINISTERED TO A PATIENT; TO PROVIDE FOR NOTICE TO A PARTICIPATING PATIENT THAT THE PATIENT WILL BE PARTICIPATING IN A RESEARCH STUDY AND OF THE EXPERIMENTAL NATURE OF THE MEDICAL CANNABIS PROGRAM; TO PROVIDE FOR THE PROTECTION OF A PARTICIPATING PATIENT'S PERSONAL INFORMATION; TO PROVIDE FOR THE OPERATION OF THE PROGRAM BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE REPORTING REQUIREMENTS BY ACADEMIC MEDICAL CENTERS THAT SUPERVISE OR ADMINISTER MEDICAL CANNABIS TREATMENTS; AND TO PROVIDE CRIMINAL AND CIVIL IMMUNITY FROM STATE ACTIONS OR SUITS ARISING FROM THE PROPER IMPLEMENTATION OF THIS ACT; AND TO PROVIDE THAT THE STATE SHALL DEFEND STATE EMPLOYEES WHO, IN GOOD FAITH, CARRY OUT THE PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COLLABORATE WITH ACADEMIC MEDICAL CENTERS TO ASSIST INTERESTED PATIENTS WITH THE APPLICATION PROCESS TO PARTICIPATE IN EXISTING UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED INVESTIGATIONAL NEW DRUG STUDIES CONCERNING MEDICAL CANNABIS.

Rep. HORNE explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| McCoy | M. S. McLeod | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Neal |
| Norman | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Ridgeway | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Willis | Wood |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Chumley | H. A. Crawford | Hamilton |
| Nanney | Riley |  |

**Total--5**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 3540--POINT OF ORDER**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3540 -- Reps. Harrell, J. E. Smith, Bales, Hosey, Cobb-Hunter, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M. S. McLeod, Atwater, Bowers, R. L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G. R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1-3-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25-1-320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25-1-340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

**POINT OF ORDER**

Rep. BANNISTER made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to such reading.

The SPEAKER sustained the Point of Order.

**H. 3541--POINT OF ORDER**

The Senate Amendments to the following Joint Resolution were taken up for consideration:

H. 3541 -- Reps. Harrell, J. E. Smith, Bales, Williams, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M. S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W. J. McLeod, Pitts, Pope, G. R. Smith, Tallon, Taylor, Wood and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

**POINT OF ORDER**

Rep. BANNISTER made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to such reading.

The SPEAKER sustained the Point of Order.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 4871--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 4871 -- Reps. Harrell, Owens, Bannister, Erickson, Forrester, Rutherford, Cobb-Hunter, Hayes, White and Mitchell: A BILL TO AMEND SECTION 59-40-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS PROVISIONS PERTAINING TO CHARTER SCHOOLS INCLUDING A PROVISION EXEMPTING ALL EARNINGS OR PROPERTY OF CHARTER SCHOOLS FROM STATE OR LOCAL TAXATION, EXCEPT FOR THE SALES TAX, SO AS TO CLARIFY THAT PROPERTY OF CHARTER SCHOOLS EXEMPT FROM SUCH TAXATION INCLUDES OWNED OR LEASED PROPERTY.

Rep. HARRELL explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowers |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Delleney | Douglas |
| Edge | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Horne | Hosey |
| Howard | Huggins | Kennedy |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | R. L. Ott | Owens |
| Patrick | Pitts | Pope |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Willis | Wood |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**SPEAKER IN CHAIR**

**H. 3945--RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up:

H. 3945 -- Reps. G. M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk, Henderson and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8-13-1510 AND 8-13-1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8-13-1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8-13-710 AND 8-13-715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

The Bill was read the third time and ordered returned to the Senate with amendments.

**H. 3945--MOTION TO RECONSIDER TABLED**

Rep. WEEKS moved to reconsider the vote whereby the following Bill was read third time and returned to the Senate with amendments:

H. 3945 -- Reps. G. M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk, Henderson and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8-13-1510 AND 8-13-1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8-13-1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8-13-710 AND 8-13-715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

Rep. WEEKS moved to table the motion to reconsider, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. KING.

**S. 815--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 815 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 7-11-30, SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE THAT A PARTY MAY CHOOSE TO CHANGE NOMINATION OF CANDIDATES BY PRIMARY TO A CONVENTION IF THREE-FOURTHS OF THE CONVENTION MEMBERSHIP APPROVES OF THE CONVENTION NOMINATION PROCESS, AND A MAJORITY OF THE VOTERS IN THAT PARTY'S NEXT PRIMARY ELECTION APPROVES THE USE OF A CONVENTION.

Rep. CLEMMONS proposed the following Amendment No. 4 to S. 815 (COUNCIL\MS\815C004.MS.AHB14), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“(C) The executive director shall:

(1) supervise the conduct of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, which administer elections and voter registration in the State and ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

(2) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, to ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

(3) maintain a complete master file of all qualified electors by county and by precincts;

~~(2)~~(4) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

~~(3)~~(5) enter names on the master file as they are reported by the county registration boards;

~~(4)~~(6) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

~~(5)~~(7) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

~~(6)~~(8) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

~~(7)~~(9) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

~~(8)~~(10) obtain information from any other source which may assist him in carrying out the purposes of this section;

~~(9)~~(11) perform such other duties relating to elections as may be assigned him by the State Election Commission;

~~(10)~~(12) furnish at reasonable price any precinct lists to a qualified elector requesting them;

~~(11)~~(13) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993;

~~(12)~~(14) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq; and

~~(13)~~(15) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 2. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7‑3‑25. (A) In the event that the State Election Commission, acting through its Executive Director, determines that a county board of elections and voter registration has failed to comply with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of the election or voter registration process, the State Election Commission, acting through its Executive Director or other designee, must supervise, pursuant to Section 7‑3‑20(C)(1), the county board to the extent necessary to:

(1) identify the failure to comply with state or federal law or State Election Commission policies and procedures;

(2) establish a plan to correct the failure; and

(3) implement the plan to correct the failure. The officials and employees of the State Election Commission and the county board must work together, in good faith, to remedy the failure of the county board to adhere to state or federal law. In the event of a difference of policy or opinion between a county election official or employee and the State Election Commission or its designee, pertaining to the manner in which particular functions must be performed, the policy or opinion of the State Election Commission shall control.

(B) If a county board of voter registration and elections does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

(C) If the State Election Commission determines that an official or an employee of a county board of voter registration and elections has negligently failed to comply with applicable state or federal law or State Election Commission policies and procedures with regard to the election or voter registration process or fails to comply with or cooperate with the corrective plan established by the State Election Commission or its designee under the provisions of subsection (A), the Commission may order the decertification of that official or employee and if decertified the Commission shall require that official to participate in a retraining program approved by the Commission prior to recertification. If the Commission finds that the failure to comply with state or federal law or State Election Commission policies and procedures by an official is wilful, it shall recommend the termination of that official to the Governor or it shall recommend termination of a staff member to the director of the appropriate county board of voter registration and elections.”

SECTION 3. Section 7-5-10 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7-5-10. (A)(1) ~~Between the first day of January and the fifteenth day of March in each even-numbered year the~~ The Governor shall appoint, ~~by and with the advice and consent of the Senate~~ upon the recommendation of the legislative delegation of the counties, ~~not less than three nor more than five~~ competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of \_\_\_\_\_\_\_\_\_ County’. The total number of members on the board must be not less than five nor more than nine persons. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.’

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote. (3) If a member misses three consecutive meetings of the board, the chairman or his designee shall immediately notify the Governor who shall then remove the member from office.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board must hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board. A member of the board must not be hired or serve as a member of the staff while serving as a board member.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions, voter registration boards, or combined boards are abolished. The powers and duties of the county election commissions, voter registration boards, or combined boards are devolved upon the board of voter registration and elections for each county created in subsection (A). Those members currently serving on the county election commissions, voter registration boards, or combined boards shall continue to serve in a combined governing capacity until at least five members of the successor board members established under this section are appointed and qualify.

~~(B)~~(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

~~(2)(a)~~ ~~The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b)~~ ~~Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i)~~ ~~eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii)~~ ~~ninety days after the effective date of this section.~~

~~(c)~~ ~~On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3)~~(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

~~(4)~~(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.”

SECTION 4. Section 7-5-20 of the 1976 Code is amended to read:

“Section 7-5-20. The board of voter registration and elections of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. The clerk to each board may be made a deputy member of the board for the purpose of taking applications.”

SECTION 5. Section 7-5-30 of the 1976 Code is amended to read:

“Section 7-5-30. Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. Provided, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. One member of the board shall constitute a quorum for the purpose of registering or refusing to register applications for registration. ~~Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify. In case of a vacancy from any cause in any board of registration the Governor shall fill such vacancy in the same manner as provided in Section 7‑5‑10.~~”

SECTION 6. Section 7-11-30 of the 1976 Code, as last amended by Act 61 of 2013, is further amended to read:

“Section 7‑11‑30. (A) A party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, Lieutenant Governor, United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) A party may not choose to nominate by party convention for an election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.

(D) Nothing in this section requires a political party that has nominated candidates by convention in the previous election cycle to hold a primary in order to continue using the convention method to nominate candidates.”

SECTION 7. Section 7-5-35, Section 7-13-70, and Chapter 27, Title 7 of the 1976 Code are repealed.

SECTION 8. For counties in which the previous offices of county election commissions and voter registration boards were not combined prior to the effective date of this act, the members of both the boards shall continue serving, in a combined capacity, until the Governor makes the combined board initial appointments pursuant to Section 7-5-10(B)(1). For counties in which the previous boards were separate and neither board had a director nor an acting or interim director prior to the effective date of this act, the chairman of the former board of voter registration shall serve as the director of the board acting in a combined capacity and the chairman of the former county election commission shall serve as the chairman of the board acting in a combined capacityuntil such time as the Governor has made all the appointments to constitute the initial combined board pursuant to Section 7-5-10(B)(1). Once the combined board has been fully constituted, the board may elect from among its members a chairman and such officers as it considers desirable, and must also hire a director, pursuant to the provisions of Section 7-5-10(B)(5) and (6).

SECTION 9. The code commissioner is directed to change all references in Title 7 to county election commissions or commissioners or county boards of voter registration to the “Board of Voter Registration and Elections of County” and board members as appropriate.

SECTION 10. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

The amendment was then adopted.

Rep. COBB-HUNTER proposed the following Amendment No. 2 to S. 815 (COUNCIL\GGS\815C001.GGS.ZW14), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended by adding an appropriately numbered item at the end to read:

“(\_\_) publish on the commission’s website each change to voting procedures by act or joint resolution of the General Assembly, or by ordinance of a political subdivision of the State, relating to the election laws of the State together with a brief explanation, if necessary, of each such enactment. Enactments and any accompanying explanations published on the commission’s website pursuant to this item must remain on the commission’s website at least through the date of the next general election.” /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bernstein |
| Bingham | Bowers | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Delleney | Dillard | Edge |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Henderson | Hiott |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Willis | Wood |

**Total--102**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on business during the vote on S. 815. If I had I been able to be present, I would have voted in favor of passage on the Elections Bill that Reps. Clemmons, J. E. Smith and I worked together to reach consensus.

Rep. Nathan Ballentine

**S. 815--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. CLEMMONS, with unanimous consent, it was ordered that S. 815 be read the third time tomorrow.

**RECURRENCE TO THE MORNING HOUR**

Rep. BALES moved that the House recur to the morning hour, which was agreed to.

**COMMUNICATION**

The following was received:

STATE OF SOUTH CAROLINA

OFFICE OF THE GOVERNOR

May 21, 2014

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Statehouse, Second Floor

Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

I am vetoing and returning without my signature R. 201, H. 5024, a bill that would allow the Board of the Denmark-Olar School District No. 2 to assess a capital property tax millage without voter referendum.

I cannot support this bill for two reasons. First, taxpayers deserve the right to vote on school district tax increases. This bill creates a new tax to build schools – a process that would normally require approval by the affected voters. Instead of using the options well-established in law, H. 5024 sets forth a new class of millage that exists only in Denmark-Olar School District 2 and that may be imposed without voter approval. My office contacted the bill’s sponsor to ask that he support an amendment that would give voters an opportunity to vote for or against this new capital millage; unfortunately, he declined to support this request.

Second, no public body should have an unlimited ability to tax citizens. Although we believe that local governments should have some taxing authority, we also believe that the public should be protected from government inefficiency and excessive taxation. That is one of the reasons why the General Assembly put millage caps into law, allowing locals to set their priorities and assign millage accordingly.

To be clear, this bill adds millage on top of limits set forth by statute, gives all the authority to raise taxes to a school board, and places no limit on the amount of millage that can be applied. While I support innovative means to finance school infrastructure needs, our responsibility must lie squarely with taxpayers on this issue, and we need to make sure that this sort of unchecked taxing authority is not allowed a toe-hold in South Carolina.

For these reasons, I ask that every member of the General Assembly cast a vote to sustain my veto.

My very best,

Nikki R. Haley

Governor

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 5287 -- Rep. Tallon: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CHIEF SHANE RAY, SOUTH CAROLINA STATE FIRE MARSHAL, FOR HIS EXEMPLARY SERVICE AND DISTINGUISHED CAREER AS A FIREFIGHTER, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5288 -- Reps. Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HAWKINS FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS ON THEIR FAITHFULNESS IN RENEWING FAMILY TIES.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5289 -- Reps. George and Hayes: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR JAMIE SCOTT, FOUNDER OF JAMIE SCOTT FITNESS, AND TO CONGRATULATE HIM ON HIS ENTREPRENEURIAL ACHIEVEMENTS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5290 -- Reps. Govan, R. L. Ott, Cobb-Hunter, Hosey and Harrell: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF DEAN BENNETTE LIVINGSTON OF LEXINGTON, FORMER PUBLISHER OF THE TIMES AND DEMOCRAT IN ORANGEBURG, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5291 -- Rep. Munnerlyn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE CHERAW HIGHWAY IN MARLBORO COUNTY FROM ITS INTERSECTION WITH WEST MAIN STREET IN THE CITY OF BENNETTSVILLE TO ITS INTERSECTION WITH THE MARLBORO/CHESTERFIELD COUNTY LINE THE "JAMES S. 'JIMMY' MCLEOD, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5292 -- Reps. Govan, R. L. Ott, Cobb-Hunter, Hosey and Harrell: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF DEAN BENNETTE LIVINGSTON OF LEXINGTON, FORMER PUBLISHER OF THE TIMES AND DEMOCRAT IN ORANGEBURG, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**H. 5253--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

On the motion of Rep. MURPHY, with unanimous consent, the Senate Amendments to the following Bill were taken up for immediate consideration:

H. 5253 -- Reps. Murphy, Horne, Harrell, Mack and Knight: A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING THE PROVISIONS OF A JOINT RESOLUTION OF 2014 BEARING RATIFICATION NUMBER 150 AND THE PROVISIONS OF SECTION 59-1-425, THE GOVERNING BODY OF DORCHESTER SCHOOL DISTRICT TWO MAY WAIVE THE REQUIREMENT THAT SCHOOLS MAKE UP FULL DAYS MISSED DUE TO INCLEMENT WEATHER FOR FIVE OR FEWER FULL SCHOOL DAYS THAT STUDENTS WHO ATTEND SCHOOLS OR CHARTER SCHOOLS IN THE DISTRICT MISSED DUE TO INCLEMENT WEATHER DURING THE 2013-2014 SCHOOL YEAR REGARDLESS OF WHETHER THE DISTRICT HAS EXHAUSTED ALL STATUTORILY REQUIRED MAKE-UP DAYS REMAINING ON THE 2013-2014 SCHOOL CALENDAR.

Rep. MURPHY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowers |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Delleney |
| Dillard | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Henderson | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Norman |
| Norrell | R. L. Ott | Parks |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**S. 812--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 812 -- Senator O'Dell: A BILL TO AMEND SECTION 11-50-50, AS AMENDED, SECTIONS 11-50-60, 11-50-90, AND 11-50-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO UPDATE THE LIST OF COUNTIES IN WHICH A BOARD MEMBER MAY RESIDE OR REPRESENT, TO REMOVE THE AUTHORITY FROM THE JURISDICTION OF THE ADMINISTRATIVE PROCEDURES ACT, AND TO NO LONGER REQUIRE THE AUTHORITY TO OBTAIN REVIEW AND APPROVAL OF THE JOINT BOND REVIEW COMMITTEE BEFORE PROVIDING FINANCIAL ASSISTANCE, BUT TO REQUIRE THE AUTHORITY TO SUBMIT AN ANNUAL REPORT TO THE JOINT BOND REVIEW COMMITTEE REGARDING LOANS AND OTHER FINANCIAL ASSISTANCE.

Rep. LOFTIS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 73; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clyburn |
| Cobb-Hunter | Cole | Crosby |
| Delleney | Dillard | Edge |
| Erickson | Felder | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hardee |
| Harrell | Hart | Henderson |
| Hosey | Howard | Jefferson |
| King | Limehouse | Loftis |
| Long | Lucas | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| V. S. Moss | Newton | Norrell |
| R. L. Ott | Parks | Pitts |
| Pope | Ridgeway | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Taylor |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Wood |  |  |

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bingham | Chumley | Finlay |
| Forrester | Hamilton | Hiott |
| Huggins | McCoy | Merrill |
| D. C. Moss | Murphy | Nanney |
| Norman | Quinn | Rivers |
| Southard | Tallon | Toole |
| Willis |  |  |

**Total--22**

So, the Bill was read the second time and ordered to third reading.

**OBJECTION TO MOTION**

Rep. LOFTIS asked unanimous consent that S. 812 be read a third time tomorrow.

Rep. ATWATER objected.

**S. 1008--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1008 -- Senators Setzler and Lourie: A BILL TO AMEND SECTION 9-8-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 1033--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1033 -- Senators Campbell, Leatherman, Setzler, O'Dell and Alexander: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO TAXATION, BY ADDING SECTION 12-2-110, TO PROVIDE AN OUT-OF-STATE BUSINESS THAT CONDUCTS OPERATIONS WITHIN THIS STATE FOR THE PURPOSES OF PERFORMING WORK OR SERVICES RELATED TO A DECLARED STATE DISASTER OR EMERGENCY DURING A DISASTER PERIOD MUST NOT BE CONSIDERED TO HAVE ESTABLISHED A LEVEL OF PRESENCE THAT WOULD REQUIRE THAT BUSINESS TO REGISTER, FILE, AND REMIT STATE OR LOCAL TAXES OR THAT WOULD REQUIRE THAT BUSINESS OR ITS OUT-OF-STATE EMPLOYEES TO BE SUBJECT TO ANY STATE LICENSING OR REGISTRATION REQUIREMENTS OR ANY COMBINATION OF THESE ACTIONS.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 234--DEBATE ADJOURNED**

The following Bill was taken up:

S. 234 -- Senators Coleman, Johnson and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT" WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

Rep. HUGGINS moved to adjourn debate on the Bill until Wednesday, May 28, which was agreed to.

**H. 4520--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4520 -- Reps. Herbkersman and Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "UNCLE PRESTON'S LAW" TO ALLOW A TAXPAYER TO CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON A RESIDENTIAL PROPERTY OTHER THAN THEIR LEGAL RESIDENCE IF THE ADDITIONAL RESIDENCE IS USED AS A RESIDENCE BY A FAMILY MEMBER WHO IS OVER THE AGE OF SIXTY-FIVE.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 293--DEBATE ADJOURNED**

The following Bill was taken up:

S. 293 -- Senator Cleary: A BILL TO AMEND SECTION 4-23-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEVY AND COLLECTION OF TAXES IN THE MURRELL'S INLET-GARDEN CITY FIRE DISTRICT, SO AS TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TEN MILLS.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 437--DEBATE ADJOURNED**

The following Bill was taken up:

S. 437 -- Senators Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell, Cromer and Ford: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER-OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN ONE HUNDRED DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 825--DEBATE ADJOURNED**

The following Bill was taken up:

S. 825 -- Senators Alexander and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 3-1-40 SO AS TO EXEMPT FROM AD VALOREM TAXATION ANY REAL PROPERTY LOCATED WITHIN A MILITARY BASE OR INSTALLATION THAT IS USED OR OWNED BY THE UNITED STATES ARMED FORCES AND IS USED AS MILITARY HOUSING FOR MILITARY AFFILIATED PERSONNEL AND THEIR FAMILIES EVEN IF THE REAL PROPERTY IS IMPROVED, MAINTAINED, OR LEASED TO A PARTY THAT WOULD OTHERWISE SUBJECT THE REAL PROPERTY TO TAX, SO LONG AS THERE IS A CONTRACTUAL AGREEMENT REQUIRING THE LESSEE TO USE THE PROPERTY FOR MILITARY HOUSING.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 27, which was agreed to.

**S. 940--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 940 -- Senators Young, Massey, Setzler and Peeler: A BILL TO AMEND SECTION 4-10-470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX, SO AS TO ALLOW A COUNTY THAT DOES NOT COLLECT A CERTAIN AMOUNT IN ACCOMMODATIONS TAX TO IMPOSE THE SALES TAX SO LONG AS NO PORTION OF THE COUNTY AREA IS SUBJECT TO MORE THAN TWO PERCENT TOTAL SALES TAX.

The Ways and Means Committee proposed the following Amendment No. 1 to S. 940 (COUNCIL\BH\940C009.BH.DG14), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 3, by adding two appropriately lettered subsections at the end of Section 4‑10‑470 to read:

/ ( )(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as the county in which the tax is to be imposed:

(a) is comprised of more than one school district and the county has a county board of education; and

(b) has no other local sales tax imposition at the time of the referendum.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) at least ten percent of the proceeds must be used to provide property tax relief by using the proceeds to offset the existing debt service millage levy on general obligation bonds pursuant to Section 4‑10‑445; and

(b) the tax revenue distributed to each district must be in the proportion that the district’s average daily membership (ADM) attributes to the total ADM of all the school districts in the county, limited to ADM attributable to the county.

(3) the resolution required pursuant to Section 4‑10‑425 must be agreed to by a majority vote of the board of trustees of each school district located in whole or in part in the county.

(4) For purposes of this subsection, a sales tax is a tax levied pursuant to this chapter, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly.

(5) Once a county meets the provisions of item (1) and imposes the education capital improvement sales and use tax, it thereafter remains eligible to impose this tax pursuant to this subsection.

( ) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as:

(1) immediately prior to the imposition date, if approved:

(a) the county is imposing the local option sales tax imposed pursuant to Article 1, and the county has not imposed that tax for twenty years or more, in which any portion of a calendar year counts as a year, and no other local sales and use tax that is administered by the Department of Revenue is imposed in the county; and

(2) the county collected at least one hundred thousand dollars in state accommodations taxes as imposed pursuant to Section 12‑36‑920(A) in the most recent fiscal year for which full collection figures are available.

Once a county meets the provisions of item (1) and the threshold in item (2), it thereafter remains eligible to impose this tax pursuant to this subsection. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. J. R. SMITH proposed the following Amendment No. 2 to S. 940 (COUNCIL\AGM\940C002.AGM.DG14), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 4‑10‑470(B) and inserting:

/ (B)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county without regard to the requirements of subsection (A) if:

(a) at the time of the referendum, no portion of the county in which the tax is to be imposed is subject to more than two percent total local sales tax; and

(b) the county in which the tax is to be imposed is encompassed completely by one entire school district, and that school district also extends into one adjacent county.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) stated in calendar years, the tax may not be imposed for more than ten years;

(b) at least ten percent of the proceeds must be used to provide a credit against existing debt service millage on general obligation bonds in the same manner as in item (3) with the applicable adjustment to the numerator. The offset only may be applied within the county, and not to the portion of the adjacent county, in a manner similar to item (3); and

(c) the total debt service on bonds issued by the school district resulting from the imposition, net of any premium or accrued interest, shall not exceed ninety percent of the total amount of Education Capital Improvements Sales and Use Tax proceeds estimated to be allocated to the school district during the imposition, minus any amounts dedicated to the credit required pursuant to subitem (b). The Board of Economic Advisors shall provide the estimate of the total amount.

(3)(a) The revenues allotted to the district must be used to provide a nonrefundable credit against the millage imposed for debt service to service bonds issued by the district resulting from the imposition, on property taxable in the county only. The amount of the credit is determined by multiplying the value of the taxable property, before the exemption provided in Section 12‑37‑250, by a fraction in which the numerator is the total estimated revenue allotted to the district during the applicable fiscal year of the district minus the amounts set forth in item (2), and the denominator is the total of the property tax value of taxable property in the county as defined pursuant to Section 12‑37‑3135(5), including the value exempted in Section 12‑37‑250, in the district as of January first of the applicable property tax year. For motor vehicles subject to the payment of property taxes pursuant to Article 21, Chapter 37, Title 12, the credit provided pursuant to this subsection applies against the tax liability for motor vehicle tax years beginning after December of the year in which the credit is calculated. The credit applies first against the liability arising from millage imposed for debt obligations for schools, and then against any liability arising from school operations.

(b) The credit provided by this article is in addition to any credits allowed pursuant to Article 1 of this chapter, and to the extent that there is unused credit, then the credit provided by this article may be applied proportionately against other property tax liability.

(c) Before the provisions of subitem (b) apply, an amount equal to the credit that would apply against the property tax liability for school operations imposed on an owner‑occupied residence but for the exemption allowed pursuant to Section 12‑37‑220(B)(47) is allowed as a credit to be applied proportionately against all nonschool‑related property tax otherwise due on the residence.

(d) If proceeds from the imposition are unused after the termination of the tax, then the unused funds must be used to provide a credit in the same manner as provided in subitem (a) over the next three property tax years.

(4) Notwithstanding any other provision of law, if, within a county there is imposed the Education Capital Improvements Sales and Use Tax pursuant to this subsection, then no other local sales tax may be imposed in that county if the subsequent imposition causes the total sales tax to exceed two percent in any portion of the county. This limitation applies so long as this subsection is utilized to impose the Education Capital Improvements Sales and Use Tax.

(5) Notwithstanding any other provision of law, if the tax imposed pursuant to this subsection and another sales tax are approved at the same referendum, and the approval of both subjects any portion of the county to more than two percent total local sales tax, then only the tax whose approving resolution was adopted first may be imposed, and the other tax is deemed to not have been approved.

(6) For purposes of this subsection, a sales tax is a tax levied pursuant to this chapter, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Rep. J. R. SMITH explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Bingham | Bowers | Brannon |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Delleney |
| Dillard | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Norrell | R. L. Ott | Parks |
| Pitts | Pope | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--94**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Loftis |  |

**Total--2**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 940. If I had been present, I would have voted in favor of the Bill.

Rep. Don Bowen

**S. 940--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. WELLS, with unanimous consent, it was ordered that S. 940 be read the third time tomorrow.

Rep. FINLAY moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5292 -- Reps. Govan, R. L. Ott, Cobb-Hunter, Hosey and Harrell: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF DEAN BENNETTE LIVINGSTON OF LEXINGTON, FORMER PUBLISHER OF THE TIMES AND DEMOCRAT IN ORANGEBURG, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

H. 4929 -- Rep. Allison: A CONCURRENT RESOLUTION TO URGE ALL HOSPITALS IN THIS STATE TO OFFER TO INPATIENTS SIXTY-FIVE YEARS OF AGE AND OLDER, PRIOR TO DISCHARGE, IMMUNIZATION AGAINST THE INFLUENZA VIRUS, AND TO STIPULATE THE TERMS AND CONDITIONS UNDER WHICH THIS OFFER SHOULD BE MADE.

H. 5284 -- Reps. Barfield, Hardwick, H. A. Crawford, Clemmons, George, Stringer, Anderson, Goldfinch, Hayes and Ryhal: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ALAN CONNIE, DIRECTOR OF THE COASTAL CAROLINA UNIVERSITY WOMEN'S CROSS COUNTRY AND TRACK AND FIELD PROGRAMS, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-EIGHT YEARS OF OUTSTANDING COACHING, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

H. 5078 -- Reps. Funderburk, Bales, G. A. Brown and Lucas: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CROSSES THE WATEREE RIVER ALONG INTERSTATE HIGHWAY 20 IN KERSHAW COUNTY THAT CONTAIN THE WORDS: "MEDAL OF HONOR BRIDGE, KERSHAW COUNTY RECIPIENTS OF THE CONGRESSIONAL MEDAL OF HONOR, JOHN C. VILLEPIGUE, RICHMOND HOBSON HILTON, AND DONALD LEROY TRUESDALE".

**ADJOURNMENT**

At 12:28 p.m. the House, in accordance with the motion of Rep. FORRESTER, adjourned in memory of Michael Samuel "Sam" Evatt of Spartanburg, to meet at 10:00 a.m. tomorrow.

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